

SHARTSIS FRIESE LLP
ZESARA C. CHAN (Bar #136302)
TRACY A. DONSKY (Bar #197114)
One Maritime Plaza, 18th Floor
San Francisco, California 94111-3598
Telephone: (415) 421-6500
Facsimile: (415) 421-2922

Attorneys for Defendants
MARTINDALE-HUBBELL AND
LEXIS/NEXIS, divisions of
REED ELSEVIER, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

INHERENT.COM aka INHERENT, INC.

Plaintiff,

v.

MARTINDALE-HUBBELL, LEXIS/NEXIS
INC. and DOES 1 through 200 inclusive,

Defendants.

No. C 05 3515 MHP

~~[PROPOSED]~~
**ORDER PURSUANT TO
STIPULATION TO EXTEND TIME FOR
DEFENDANTS TO ANSWER OR
OTHERWISE RESPOND TO FIRST
AMENDED COMPLAINT**

Complaint Filed: July 29, 2005

WHEREAS, on July 29, 2005, plaintiff Inherent.com aka Inherent, Inc. ("Plaintiff") filed its initial Complaint against defendants Martindale-Hubbell and Lexis/Nexis, divisions of Reed Elsevier, Inc. (collectively, "Defendants") in the Superior Court of the State of California, County of San Francisco, Case No. CGC 05443573 ("Complaint"), entitled Inherent.com aka Inherent, Inc. v. Martindale-Hubbell, et al. (the "State Court Action") which was timely removed to this Court on August 30, 2005, upon Defendants' filing of a Notice of Removal pursuant to 28 U.S.C. § 1446(b);

WHEREAS, on September 7, 2005, Defendants filed a Motion to dismiss the Complaint or in the alternative, to transfer the action pursuant to 28 U.C.S. § 1404, which is scheduled to be heard before this Court on October 31, 2005 (the "Pending Motion");

1 WHEREAS, Plaintiff filed a First Amended Complaint on September 23, 2005;

2 WHEREAS, Defendants intend to move to dismiss the First Amended Complaint on or
3 before the October 11, 2005 deadline to answer or otherwise respond to the First Amended
4 Complaint on substantially identical grounds as its Pending Motion;

5 WHEREAS, because Defendants' response the First Amended Complaint would be due
6 prior to the currently scheduled October 31, 2005 hearing on Defendants' Pending Motion, the
7 parties wish to conserve judicial and the parties' resources and avoid additional motion practice
8 against the First Amended Complaint which may be unnecessary pending a decision and order by
9 the Court on Defendants' Pending Motion;

10 Pursuant to Local Rules 6-2 and 7-12 and the matters stated herein, the parties, by and
11 through counsel, hereby stipulate as follows:

12 1. Defendants' Pending Motion shall be heard as currently scheduled on October 31,
13 2005, at 2:00 p.m., before this Court, unless otherwise ordered;

14 2. Pending an Order on Defendants' Pending Motion, all Defendants' time to answer or
15 otherwise respond to the First Amended Complaint shall be extended;

16 3. Each of the Defendants shall have thirty (30) days to respond to the First Amended
17 Complaint after the date that the Court issues an Order in connection with the Defendants' Pending
18 Motion;

19 4. If the Court orders that the Complaint is dismissed or otherwise transfers this action,
20 Plaintiff agrees to dismiss its First Amended Complaint in this action without prejudice to refile
21 such First Amended Complaint in any appropriate venue;

22 5. There have been no previous time modifications in this action, either by stipulation
23 or order of the Court;

24 ///

25 ///

26 ///

27 ///

28 ///

6. This Stipulation does not affect any date on the schedule for this action as set forth in the Order Setting Initial Case Management Conference.

DATED: October ____, 2005

SHARTSIS FRIESE LLP

By _____
ZESARA C. CHAN

Attorneys for Defendants
MARTINDALE-HUBBELL AND LEXIS/NEXIS,
divisions of REED ELSEVIER, INC.

DATED: October 5, 2005

LAW OFFICES OF PATRICK E. CATALANO

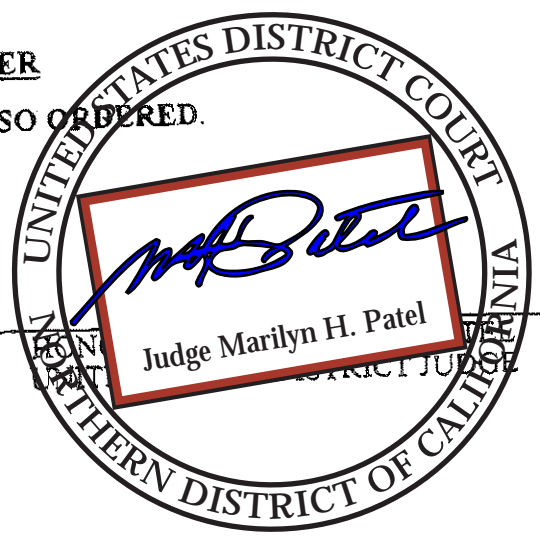
By _____
JANNIK P. CATALANO

Attorneys for Plaintiff
INHERENT.COM aka INHERENT, INC.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 7, 2005



ZCCV7002\001\1322\14.01

SHARTSIS FRIESE LLP
ONE MARIN PLAZA
EIGHTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-5598

6. This Stipulation does not affect any date on the schedule for this action as set forth in the Order Setting Initial Case Management Conference.

DATED: October ____, 2005

SHARTSIS FRIESE LLP

By 

ZESARA C. CHAN

Attorneys for Defendants
MARTINDALE-HUBBELL AND LEXIS/NEXIS,
divisions of REED ELSEVIER, INC.

DATED: October ____, 2005

LAW OFFICES OF PATRICK E. CATALANO

By _____
JANNIK P. CATALANO

Attorneys for Plaintiff
INHERENT.COM aka INHERENT, INC.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October ____, 2005

HONORABLE MARILYN H. PATEL
UNITED STATES DISTRICT JUDGE

ZCC\7002\001\1322114.01